IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15380 of 2004

Between:

Smt. Valiveti Satyavani W/o. Rama Rao
R/o. Inkollu Village & Mandal, Prakasam District.

... PETITIONER

AND

1 The Govt of A.P., rep. by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 The District Registrar & Collector, Ongole, Prakasam

District.
3 The Sub-Registrar, Inkollu, Inkollu Mandal,
Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Call for the records in proceedings No. MV/1492/2004 DT. 24.2.2004 dt. 24.02.2004 on the file of the District Registrar & Collector, Ongole, Prakasam District and quash the same by issuing a Writ of Certiorari or any other appropriate writ Order or direction and issue consequential direction to the responents to release the Document No. V.71/2003 DT. 15.12.2003.

Counsel for the Petitioner: MR.D.KRISHNA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following Order:

ORDER:

The documents executed in favour of the petitioner by the Authorized Officer of the State Bank of Hyderabad under the powers conferred on him under Section 13 of the Securatization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') were referred to the second respondent under Section 47-A of the Indian Stamp Act, 1899. On such reference, and after due notice to the parties and after hearing the objections, by the impugned order dated 24-02-2004, the second respondent held that the Proviso to subsection 6 of Section 47-A of the Act applies only to the instruments executed by or on behalf of the Government or body corporate wholly owned by the Government. Since the document will come within the purview of the Indian Stamp Amendment Act, necessary stamp duty has to be paid as per the market value as mentioned in the market value guidelines. Questioning the validity of the said order, the present Writ Petition has been filed.

2. Against any such order passed by the District Collector under Section 47-A of the Act, an appeal lies under subsection 5 of Section 47-A of the Act to the Subordinate Judge having jurisdiction over the area in which property concerned is situated under subsection 5-II (a) of the Act. In view of the same, petitioner, without filing such an appeal and exhausting the remedy, cannot straight away file the present Writ Petition. Learned counsel for the petitioner submits that it is only an interpretation of the proviso; hence he need not be relegated to file an appeal, more so the time for filing the appeal is expired. Since the appeal has to be filed within specified time, and the same has expired, the petitioner approached this Court by way of present Writ Petition. If there is any delay in approaching the Court, it is always open to the petitioner to move an application to condone the delay in filing the appeal, more so, because the expiry of time cannot be a ground for filing this Writ Petition. When statutory

appeal lies against the same, this Court does not entertain the present Writ Petition. The Writ Petition is accordingly dismissed. No costs. The petitioner is at liberty to move the concerned Court for appropriate relief.

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A. **GOPAL REDDY, J**

August 30, 2004

MRR

1 The Govt of A.P., rep. by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 The District Registrar & Collector, Ongole, Prakasam

District.
3 The Sub-Registrar, Inkollu, Inkollu Mandal,
Prakasam District.

4 Two C.D. Copies.